

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SABR MORTGAGE LOAN,	}	No. CV 12-5242 UA (DUTYx)
Plaintiff,		ORDER SUMMARILY REMANDING
v.		ACTION TO STATE COURT
JOSE R. GOMEZ,		
Defendant.	}	

The Court will remand this "Verified Complaint for Unlawful Detainer (residential)," Case No. 12U00468, to state court summarily because Defendant removed it improperly.

On June 15, 2012, Defendant Jose R. Gomez, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162


1 L. Ed.2d 502 (2005). Even if complete diversity of citizenship existed, the amount in
2 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. *See* 28
3 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that
4 the amount in controversy does not exceed \$10,000.

5 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
6 28 U.S.C. §§ 1331, 1441(b).

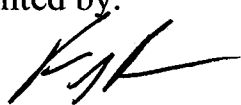
7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
8 Superior Court of California, County of Los Angeles, El Monte Courthouse, 11234 East
9 Valley Blvd., El Monte, California 91731 for lack of subject matter jurisdiction pursuant
10 to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state
11 court; and (3) that the Clerk serve copies of this Order on the parties.

12 IT IS SO ORDERED.

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14 DATED: 6 / 25 / 2012

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18 AUDREY B. COLLINS
19 Chief United States District Judge

18 Presented by:

19 
20 /S/ FREDERICK F. MUMM
21 FREDERICK F. MUMM
22 United States Magistrate Judge
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